

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT NONRULE POLICY DOCUMENT

Title: **Lead-Based Paint License Transition**

Identification Number: **Air-022-NPD**

Date Originally Adopted: **Feb. 22, 1999**

Dates Revised: **None**

Other Policies Repealed or Amended: **None**

Brief Description of Subject Matter: **Describes IDEM's policy regarding a transition to the administration of the lead-based paint rule, 326 IAC 23.**

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM once the revised nonrule policy is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

Policy

Indiana's lead-based paint rules go into effect on February 6, 1999. These rules require individuals and contractors who perform certain lead-based paint activities to be licensed by the Indiana Department of Environmental Management (department). They also require the department to approve lead-based paint training courses. The purpose of this nonrule policy document is to provide transition procedures for persons who, prior to February 6, 1999, were engaged in some or all of the lead-based paint activities covered by the state rules. It is not the department's intent that appropriately trained and experienced persons suspend activity pending receipt of a license from the department, as long as certain conditions are met. Therefore, the department will exercise its discretion not to take enforcement action against those individuals/contractors seeking lead-based paint licensure, during the transitional period (the effective date of this non-rule policy document through August 31, 1999), as long as all of the following conditions are met:

A) Persons engaged in inspection, risk assessment, project design, or supervision of, work on, or who enter into a contractual agreement or agreements regarding lead-based paint activities shall apply for a lead-based paint license from the department. Applicants shall meet the requirements of 326 IAC 23, including proof of initial training or appropriate prior experience, as determined by the department. Transitional requirements with respect to refresher training and the third-party exam are provided in conditions B and C.

B) Applicants shall not be required to take refresher training as provided in 326 IAC 23-2-4(g)(1)(C) provided that they:

(1) have successfully completed the appropriate initial training course or courses

in the discipline for which they seek licensure within the six (6) months prior to the effective date of this nonrule policy; or

(2) demonstrate to the department that they have other adequate lead-based paint training in the discipline in which they are seeking licensure.

C) Applicants shall take the third party examination as scheduled by the department.

D) Applicants shall meet and comply with all educational, experience, fee, and other requirements as outlined within 326 IAC 23.

E) Applications for licensure are received by the department no later than April 6, 1999.

A lead-based paint license issued under this nonrule policy document shall be valid for one year from the date of issuance. Renewal of the lead-based paint license shall be based upon the applicant's compliance with 326 IAC 23-2-5, Renewal of lead-based paint license.

This nonrule policy document expires on August 31, 1999. After the expiration date, all individuals and contractors shall obtain a license as required and outlined in 326 IAC 23.

Frank Profit (317) 232-8416 is the contact for this program.